

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LANDON GREGORY QUENZER,

Petitioner,

v.

Case No. 23-cv-10379

Hon. Matthew F. Leitman

JONATHAN HEMINGWAY,

Respondent.

**ORDER (1) DISMISSING PETITION FOR WRIT OF HABEAS CORPUS
WITHOUT PREJUDICE AND (2) TERMINATING RESPONDENT'S
MOTION TO DISMISS AS MOOT (ECF No. 6)**

Petitioner Landon Gregory Quenzer is a federal inmate in the custody of the federal Bureau of Prisons. On February 13, 2023, Quenzer filed a petition for a writ of habeas corpus in this Court. (*See* Pet., ECF No. 1.) Respondent thereafter moved to dismiss the petition based on Quenzer's alleged failure to exhaust his administrative remedies. (*See* Mot., ECF No. 6.)

On August 1, 2023, the Court ordered Quenzer to file a response to the motion to dismiss by no later than September 18, 2023. (*See* Order, ECF No. 7, PageID.42.) The Court warned Quenzer that if he "fail[ed] to file a response with the Court by that date" then the Court could dismiss his petition. (*See id.*)

Quenzer has not filed any response to the motion to dismiss or the Court's September 18 order. Nor has he contacted the Court to ask for additional time to comply with that order. Under Federal Rule of Civil Procedure 41(b), a federal court may *sua sponte* dismiss an action for failure to prosecute or to comply with a court order. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-33 (1962). "The power to invoke this sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the District Courts." *Id.* at 629-30.

The Court concludes that dismissal is appropriate here based on Quenzer's failure to prosecute his petition and his failure to comply with the Court's September 18 order. Accordingly, for all the reasons stated above, the Court (1) **DISMISSES** Quenzer's petition for a writ of habeas corpus (ECF No. 1) **WITHOUT PREJUDICE**, (2) **DENIES** Quenzer a certificate of appealability, and (3) **GRANTS** permission to appeal *in forma pauperis*.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 16, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 16, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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